

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LONGHORN HD LLC

v.

NETSCOUT SYSTEMS, INC.§
§
§
§**CIVIL ACTION NO. 2:20-CV-00349-JRG-RSP**

**MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
April 18, 2022**

OPEN: 09:29 AM**ADJOURN: 06:01 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Jim Lomeo
Cody Carter
Nathan Fuller

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

| TIME | MINUTES |
|-------------|--|
| 09:29 AM | Court opened. Court's greeting, introduction and preliminary remarks to Jury Pool. |
| 09:40 AM | Court asked for announcements from the parties. |
| 09:41 AM | Court continued by providing case information and gave preliminary instructions to Jury Pool. |
| 09:49 AM | Prospective Jurors began introduction of themselves. |
| 10:14 AM | Court provided additional instructions to Jury Pool. |
| 10:18 AM | <i>Voir dire</i> on behalf of Plaintiff by Ms. Truelove. |
| 10:44 AM | <i>Voir dire</i> on behalf of Defendant by Ms. Smith. |
| 11:13 AM | Bench conference with counsel. |
| 11:15 AM | Bench conference completed. |
| 11:15 AM | Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of jurors recessed. |
| 11:17 AM | Remainder of jurors recessed. |
| 11:18 AM | Counsel approached bench. |
| 11:18 AM | Strike conference began with specifically named juror(s). |
| 11:32 AM | Strike conference concluded. Attorneys excused to exercise strikes. |
| 11:32 AM | Recess. |

| TIME | MINUTES |
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| 12:03 PM | Court reconvened. |
| 12:04 PM | Instructions given by the Court. Jurors selected. |
| 12:06 PM | Jurors sworn. Additional instructions given by the Court. Remainder of Jury Pool excused. |
| 12:10 PM | Additional instructions given by the Court. |
| 12:29 PM | Jury recessed for lunch. |
| 12:29 PM | Court recessed for lunch. |
| 01:26 PM | Court reconvened. |
| 01:27 PM | Jury returned to courtroom. |
| 01:27 PM | Court gave preliminary instructions to the Jury. Jurors were provided notebooks. |
| 02:09 PM | Plaintiff's opening statement by Mr. Fabricant. |
| 02:37 PM | Defendant's opening statement by Mr. Buresh. |
| 03:04 PM | Opening statements concluded. |
| 03:04 PM | Defendant invoked the rule; excludes expert witnesses. |
| 03:05 PM | Witness sworn. Direct examination of Mr. Charles Ferraro by Mr. Fabricant. |
| 03:31 PM | Cross examination of Mr. Charles Ferraro by Mr. Buresh. |
| 03:47 PM | Redirect examination of Mr. Charles Ferraro by Mr. Fabricant. |
| 03:49 PM | Recross examination of Mr. Charles Ferraro by Mr. Buresh. |
| 03:50 PM | Witness excused. |
| 03:50 PM | Jury recessed for break. |
| 03:51 PM | Recess. |
| 04:09 PM | Court reconvened. |
| 04:09 PM | Objection re: MIL issue raised by Mr. Buresh. |
| 04:11 PM | Response by Mr. Fabricant. |
| 04:11 PM | Court made rulings thereon. |
| 04:13 PM | Jury returned to courtroom. |
| 04:13 PM | Witness sworn. Direct examination of Mr. Thomas Schweitzer by Ms. Truelove. |
| 04:27 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith |
| 04:43 PM | Bench conference. |
| 04:44 PM | Bench conference concluded. |
| 04:44 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith, continued. |
| 04:44 PM | Bench conference. |
| 04:45 PM | Bench conference concluded. |
| 04:45 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith, continued. |
| 04:52 PM | Completion of testimony of Mr. Thomas Schweitzer. |
| 04:53 PM | Ms. Park introduced the video deposition of Mr. Christopher Day. |
| 04:57 PM | Technical difficulties. |
| 04:58 PM | Witness sworn. Direct examination of Mr. Brian Hajost by Mr. Lambrianakos. |
| 05:38 PM | Cross examination of Mr. Brian Hajost by Ms. Marriott. |
| 05:46 PM | Bench conference. |
| 05:47 PM | Bench conference concluded. |
| 05:47 PM | Cross examination of Mr. Brian Hajost by Ms. Marriott, continued. |
| 05:55 PM | Redirect examination of Mr. Brian Hajost by Mr. Lambrianakos. |
| 05:56 PM | Witness excused. |
| 05:57 PM | Jury recessed for the day until 8:30 AM tomorrow. |

| TIME | MINUTES |
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| 06:01 PM | Court reminded parties to continue with their meet and confer efforts re: disputes and to advise Court staff re: same. If the parties have unresolved issues, the Court will be available in chambers at 7:30 AM tomorrow morning to meet with counsel to address same. |
| 06:01 PM | Court adjourned. |